IN THE HIGH COURT OF NEW ZEALAND
TAURANGA REGISTRY

I TE KOTI MATUA O AOTEAROA
TAURANGA MOANA ROHE

CIV-2023-470-____

UNDER	The Copyright Act 1994 Fair Trading Act 1986 Trade Marks Act 2002
BETWEEN	**MAHARISHI VEDIC UNIVERSITY LIMITED** a duly incorporated company in Malta having its registered office at 94, Triq Il-Vanilja, Żebbiegħ, Mġarr, MGR 2253, Malta **First Plaintiff**
AND	**MAHARISHI FOUNDATION LIMITED** a duly incorporated company in Jersey having its registered office at 22-24 Seale Street, St. Helier, JE2 3QG, Jersey **Second Plaintiff**

(continued overleaf)

STATEMENT OF CLAIM
22 December 2023

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Principal Responsible: Paul Johns
Counsel instructed: Kevin Glover

AND	**INSTITUTE OF PROFESSIONAL MEDITATION TEACHERS, INCORPORATED** a duly incorporated society in New Zealand having its registered office C/- Gary Benner, 177b Old Kaimai Rd, Tauranga, 3171, New Zealand **First Defendant**
AND	**INTERNATIONAL TEACHERS OF MEDITATION ASSOCIATION** an unincorporated body of no known physical location **Second Defendant**
AND	**GARY TREVOR BENNER** meditation teacher of 177b Old Kaimai Rd, Tauranga, 3171 **Third defendant**
AND	**BRYAN DOUGLAS LEE** meditation teacher of 14 Courage Rd, Papakura, Auckland 2110 **Fourth Defendant**
AND	**ANTHONY JOHN MARTIN** meditation teacher of 15 Antrim Place, Hokowhitu, Palmerston North 4410 **Fifth defendant**
AND	**MIGUEL CEBOLA** meditation teacher of Canada or Portugal **Sixth defendant**
AND	**PHILIP AVNER COSTEFF** meditation teacher of Israel **Seventh defendant**

(continued overleaf)

AND	**JÁNOS SZÁSZ** meditation teacher of Budapest, Hungary
	Eighth defendant
AND	**PHILLIPPE CHAUVANCY** meditation teacher of Paris, France
	Ninth defendant
AND	**JOSE CONSTANTINO** meditation teacher of Portugal
	Tenth defendant
AND	**ROLAND HARTMANN** meditation teacher of Sackstraße 15, 8010 Graz, Austria
	Eleventh defendant
AND	**PAUL BROWN** meditation teacher of USA
	Twelfth defendant
AND	**ANKE BEUMANN** meditation teacher of Germany
	Thirteenth defendant
AND	**INGEMAR ARONSSON** meditation teacher of unknown residence
	fourteenth defendant
AND	**ULRICH HANNEMANN** meditation teacher of Portugal
	fifteenth defendant

STATEMENT OF CLAIM

The plaintiffs by their solicitor say:

Parties

1. The first plaintiff, Maharishi Vedic University Limited (**MVU**) is a company duly incorporated under the laws of Malta and carrying on business as an owner and licensor of intellectual property relating to the teaching and practise of Transcendental Meditation techniques and other programmes founded by Maharishi Mahesh Yogi.

2. The second plaintiff, Maharishi Foundation Limited (**MFL**) is a company duly incorporated under the laws of Jersey and carrying on business as an owner and licensor of intellectual property relating to the teaching and practise of Transcendental Meditation techniques and other programmes founded by Maharishi Mahesh Yogi.

3. The plaintiffs share missions in promoting the programmes founded by Maharishi Mahesh Yogi and licensing the Intellectual Property related thereto.

4. The first defendant, the Institute of Professional Meditation Teachers, Incorporated (**IPMT**), is a society incorporated under the laws of New Zealand and acts as a professional association for teachers of meditation.

5. The second defendant, the International Teachers of Meditation Association (**ITMA**) is an international unincorporated body functioning as an association of meditation teachers.

6. The third defendant, Gary Trevor Benner, is domiciled and resident in New Zealand and is:

   (a) a founder and officer of IPMT; and

   (b) a founder and board member of ITMA.

7. The fourth defendant, Bryan Douglas Lee, is domiciled and resident in New Zealand and is:

   (a) a founder and officer of IPMT; and

   (b) a founder and board member of ITMA.

8. The fifth defendant, Anthony John Martin, is domiciled and resident in New Zealand and is a founder and officer of IPMT.

9. The sixth defendant, Miguel Cebola, is domiciled and resident in Canada or Portugal and is a founder and board member of ITMA.

10. The seventh defendant, Avner Costeff, is domiciled and resident in Israel and is a founder and board member of ITMA.

11. The eighth defendant, János Szász, is domiciled and resident in Hungary and is a founder and board member of ITMA.

12. The ninth defendant, Phillippe Chauvancy, is domiciled and resident in France or Russia and is a member of ITMA.

13. The tenth defendant, Jose Constantino, is domiciled and resident in Portugal and is a member of ITMA.

14. The eleventh defendant, Roland Hartmann, is domiciled and resident in Austria and is a member and officer of ITMA.

15. The twelfth defendant, Paul Brown, is domiciled and resident in the USA and is a member of ITMA.

16. The thirteenth defendant, Anke Beumann, is domiciled and resident in Germany and is a member of ITMA.

17. The fourteenth defendant, Ingemar Aronsson, is of unknown domicile and residence and is a member of ITMA.

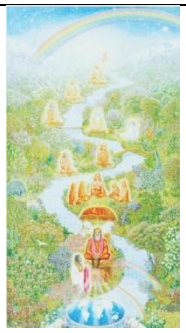
18. The fifteenth defendant, Ulrich Hannemann, is of unknown domicile and residence and is a member of ITMA.

19. The third to fifteenth defendants were each trained to teach the Transcendental Meditation programme through a qualified teacher training course (**TTC**) recognised by the plaintiffs.

20. Allegations made in this statement of claim in relation to the defendants collectively are made against all the defendants or any subset of them jointly, and all of them individually.

Trade Mark rights

21. The first plaintiff is the proprietor of the following New Zealand registered trademarks ("**Registered Trade Marks**"):

IP Number	Trade mark	Classes	Reg. date
628906	TRANSCENDENTAL MEDITATION	41	6 Oct 2005
966040	MAHARISHI	41, 42, 44,	2 Dec 2014
981530		16, 41	3 Dec 2013
1196406	TM	41, 44	29 Nov 2022

Copyright works

22. The plaintiffs are the owners of various copyright works relating to the TTC, including but not limited to the following works:

    (a) The literary works entitled "*Science of Creative Intelligence Teacher Training Course Teacher's Handbook*" volumes 1, 2 and 3, including various updated and revised editions ("**SCI Handbook**");

    (b) Various films of Maharishi Mahesh Yogi ("**Films**");

    (c) Various sound recordings of Maharishi Mahesh Yogi ("**Sound Recordings**");

    (d) Other as yet unidentified works ("**Unidentified Works**")

    (together, **Copyright Works**).

23. The arrangements necessary for the making of the Sound Recordings and Films were undertaken by Maharishi Mahesh Yogi.

24. The Sound Recordings and Films were made between approximately 1970 and 1980.

25. The plaintiffs are unable to plead the precise number, identity and other details of the Films and Sound Recordings until after discovery.

26. The SCI Handbook, including updates and revisions made to it, was authored between approximately 1972 and 1976 by Maharishi Mahesh Yogi.

27. In relation to Unidentified Works, the plaintiffs are the owners of copyright in all materials authored by Maharishi Mahesh Yogi or on behalf of the TMO or the plaintiffs that relates to the teaching of Transcendental Meditation, and the training of teachers of Transcendental Meditation, including literary works, artistic works,

28. The plaintiffs are unable to plead the Unidentified Works with any particularity until after discovery.

29. Each of the Copyright Works is an original work in terms of s14 of the Copyright Act 1994.

30. Maharishi Mahesh Yogi was at all material times a citizen of India and domiciled in one of India, Switzerland, Italy, or the Netherlands, each being a contracting party to the Berne Convention.

31. Each of the Copyright Works qualifies for copyright under either or both of sections 18(2)(a) or 18(2)(b) of the Copyright Act 1994.

32. The plaintiffs are the owners of the Copyright Works as a result of:

    (a) copyright being transmitted to one or both of them directly or indirectly from Maharishi Mahesh Yogi and/or his successors;

    (b) the authors of the works being employed by, or commissioned and paid by, the plaintiffs or its predecessors.

The defendants' conduct

33. The first defendant was incorporated in New Zealand by the third defendant on or about 12 August 2020.

34. On or about 6 October 2020, the fourth and fifth defendants became officers of the first defendant.

35. On or about 13 December 2021, the third, fourth, sixth, seventh and eighth defendants formed the second defendant.

36. At a time unknown to the plaintiffs but no later than about 12 June 2022, the domain name teachersofmeditation.org was registered by or on behalf of the second defendant.

37. At a time unknown to the plaintiffs but no later than about 23 January 2022, the second defendant established a website at teachersofmeditation.org ("**ITMA Website**")

38. At a time unknown to the plaintiffs, at least the first to eighth defendants collectively decided and agreed that:

    (a) the first defendant would offer a meditation teacher training course ("**Defendant's TTC**");

    (b) the Defendants' TTC would:

        (i) not be authorised by or affiliated with the plaintiffs or the organizations recognized by the plaintiffs as authorised to teach the Transcendental Meditation programme or;

        (ii) be taught by trained teachers of Transcendental Mediation techniques;

        (iii) be promoted to potential candidates as training the teaching of the Transcendental Mediation technique;

        (iv) be taught using copies of the Copyright Works to be obtained from officers, members and affiliates of the first and second defendants; and

        (v) be taught by officers and members of the first and second defendants to paying candidates; and

    (c) the Defendants' TTC would be promoted by the first defendant and its officers and members in New Zealand and to New Zealanders.

39. At times unknown to the plaintiffs, the ninth to fifteenth defendants became members of, or otherwise affiliated themselves, with the second defendant and its existing members.

40. At times unknown to the plaintiffs, the defendants acquired copies and made copies of the Copyright Works.

41. At times unknown to the plaintiffs, the defendants:

    (a) promoted the Defendants' TTC to potential candidates, including:

        (i) "Semester I" as a three-month, online course costing 500 Euro; and

        (ii) "Semester II" as a two-month, on-campus course; and

    (b) sold registrations to "Semester I" of the Defendants' TTC to candidates for 500 Euro each.

42. The defendants promoted and referred to the Defendants' TTC through the ITMA Website and various Facebook and other social media accounts.

43. In or around February 2023 the defendants delivered "Semester I" of the Defendants' TTC to candidates online via video-conferencing.

44. Following solicitors' correspondence on behalf of the plaintiffs, the defendants postponed the delivery of "Semester II" and advertised that it would take place at a later date.

FIRST CAUSE OF ACTION: infringement of copyright

45. In the course of preparing, promoting, selling and delivering the Defendants' TTC, and otherwise, the defendants have, without the authority or licence of the plaintiffs:

    (a) Copied the Copyright Works, including in New Zealand;

    (b) Issued copies of the Copyright Works to the public in New Zealand;

    (c) Played or showed the Sound Recordings and Films in public in New Zealand;

    (d) Communicated the Copyright Works to the public in New Zealand;

(e) Possessed, in New Zealand, in the course of a business, copies of the Copyright Works being objects that are, and that the defendants knew or had reason to believe was, infringing copy of those works

46. The plaintiffs are unable to particularise each instance of infringement until discovery is completed.

47. As a result of the matters set out above the defendants have infringed and continue to infringe the plaintiffs' copyright in the Copyright Works.

48. Unless restrained, the defendants will continue to infringe the plaintiffs' copyright in the Copyright Works.

The plaintiffs claim:

(A) A permanent injunction preventing the defendants from copying any of the Copyright Works or any other copyright works belonging to the first and second plaintiffs.

(B) Delivery up or destruction of all Copyright Works in the possession of the defendants or their agents, together with any material derived directly or indirectly from any of the Copyright Works.

(C) Damages or, at the plaintiffs' option, an account of profits.

(D) Additional damages reflecting the flagrancy of the infringing conduct.

(E) Interest in accordance with s 12 of the Interest on Money Claims Act 2016.

(F) Costs.

SECOND CAUSE OF ACTION: joint tortfeasance in infringement of copyright

49. The plaintiff repeats paragraphs 1 to 47 above.

50. Each of the first to fifteenth defendants either:

(a) procured or induced; and/or

(b) were party to a concerted design that resulted in:

the actions of at least one other of those defendants as described in paragraphs 1 to 48.

51. Each of the first to fifteenth defendants are therefore joint tortfeasors with each other defendant.

The plaintiffs claim:

(A) A permanent injunction preventing the defendants procuring or inducing any party, or being party to a concerted design, to copy any of the Copyright Works or any other copyright works belonging to the first and second plaintiffs.

(B) Delivery up or destruction of all Copyright Works in the possession of the defendants or their agents, together with any material derived directly or indirectly from any of the Copyright Works.

(C) Damages or, at the plaintiffs' option, an account of profits.

(D) Additional damages reflecting the flagrancy of the infringing conduct.

(E) Interest in accordance with s 12 of the Interest on Money Claims Act 2016.

(F) Costs.

THIRD CAUSE OF ACTION: breach of the Fair Trading Act

52. The plaintiffs repeat paragraphs 1 to 44 above.

53. The plaintiffs, in conjunction with the organizations recognised by them as authorized to teach the Transcendental Meditation programme, have gained a reputation and goodwill in New Zealand and around the world for their training, support and approval of teachers of Transcendental Meditation techniques.

54. The defendants have, in trade, misrepresented to potential and actual candidates for the Defendants' TTC that the Defendants' TTC:

    (a) is equivalent to, a replacement for, or an alternative to authorized Transcendental Meditation TTCs as recognised by the plaintiffs;

    (b) trains candidates to teach the Transcendental Meditation technique;

    (c) is the same training that Maharishi Mahesh Yogi gave to members of the band, The Beatles;

    (d) is taught in the same way that TMO-trained teachers were taught; and

(e) is in accordance with Maharishi Mahesh Yogi's wishes and legacy.

55. Following solicitors' correspondence on behalf of the plaintiffs, the defendants began using the brand "Effortless Deep Meditation" in relation to the meditation techniques taught through the Defendants' TTC.

56. The defendants have misleadingly and deceptively promoted themselves and the Defendants' TTC by falsely claiming:

(a) "Effortless deep meditation is the best, most proven, most effective meditation available";

(b) "Decades of experience have shown [effortless deep meditation] is more effective than mindfulness (open monitoring) meditation";

(c) "Effortless Deep Meditation is twice as effective as mindfulness (open monitoring) meditation"; and

(d) "Millions of people in all parts of the world practice Effortless Deep Meditation to enrich their lives."

57. The conduct referred to at paragraphs 54 and 56 amounts to:

(a) conduct in trade that is misleading or deceptive or is likely to mislead or deceive;

(b) conduct in trade that is liable to mislead the public as to the nature, characteristics, or suitability for a purpose of services;

(c) in connection with the supply or possible supply of services or with the promotion by any means of the supply or use of goods or services:

(i) false or misleading representations that services are of a particular kind, standard, or quality, or that they are supplied by any person of a particular trade, qualification, or skill, or by a person who has other particular characteristics;

(ii) false or misleading representations that goods or services have any sponsorship, approval, endorsement, performance characteristics, or benefits; or

(iii) false or misleading representations that a person has any sponsorship, approval, endorsement, or affiliation.

The plaintiffs claim:

(A) A permanent injunction preventing the defendants from engaging in the conduct referred to at paragraphs 54 and 56 ("**Injuncted Conduct**") or conduct that constitutes or would constitute any of the following:

1. any attempt to engage in Injuncted Conduct;

2. aiding, abetting, counselling, or procuring any other person to engage in Injuncted Conduct;

3. inducing, or attempting to induce, any other person, whether by threats, promises or otherwise, to engage in Injuncted Conduct;

4. being in any way directly or indirectly, knowingly concerned in, or party to, engage in Injuncted Conduct by any other person;

5. conspiring with any other person to engage in Injuncted Conduct.

(B) Damages.

(C) Interest in accordance with s 12 of the Interest on Money Claims Act 2016.

(D) Costs.

FOURTH CAUSE OF ACTION: joint tortfeasance in breach of the Fair Trading Act

58. The plaintiff repeats paragraphs 1 to 44 above and 52 to 57 above.

59. The first and third to fifteenth defendants either:

(a) procured or induced; and/or

(b) were party to a concerted design that resulted in:

the actions of the second defendant as described to in paragraphs 1 to 44 above and 52 to 57 above.

60. The first and third to fifteenth defendants are therefore joint tortfeasors with the second defendant.

The plaintiffs claim:

(A) A permanent injunction preventing the defendants from procuring or inducing any party, or being party to a concerted design, to engage in Injuncted Conduct or conduct that constitutes or would constitute any of the following:

1. any attempt to engage in Injuncted Conduct;

2. aiding, abetting, counselling, or procuring any other person to engage in Injuncted Conduct;

3. inducing, or attempting to induce, any other person, whether by threats, promises or otherwise, to engage in Injuncted Conduct;

4. being in any way directly or indirectly, knowingly concerned in, or party to, engage in Injuncted Conduct by any other person;

5. conspiring with any other person to engage in Injuncted Conduct.

(B) Damages.

(C) Interest in accordance with s 12 of the Interest on Money Claims Act 2016.

(D) Costs.

FIFTH CAUSE OF ACTION: infringement of registered trade marks

61. The plaintiffs repeat paragraphs 1 to 44 above.

62. In the course of preparing, promoting, selling and delivering the Defendants' TTC, and otherwise, the defendants have infringed each of the Registered Trade Marks by, without having the right to do so, using in the course of trade signs identical with each of the Registered Trade Marks in relation to services in respect of which each trade mark is respectively registered.

63. The plaintiffs are unable to particularise each instance of infringement until discovery is completed.

64. The Defendants' use alleged in paragraph 62 above is use in such a manner as to render the use of the signs as likely to be taken as being use as trade marks.

The plaintiffs claim:

(A) A permanent injunction preventing the defendants from using in the course of trade signs identical with any of the Registered Trade Marks in relation to services in respect of which each trade mark is respectively registered.

(B) Delivery up or destruction of all goods in the possession of the defendants or their agents bearing signs identical with any of the Registered Trade Mark.

(C) Damages or, at the plaintiffs' option, an account of profits.

(D) Additional damages reflecting the flagrancy of the infringing conduct.

(E) Interest in accordance with s 12 of the Interest on Money Claims Act 2016.

(F) Costs.

SIXTH CAUSE OF ACTION: joint tortfeasance in infringement of trade marks

65. The plaintiffs repeat paragraphs 1 to 44 and 62 to 64 above.

66. The first and third to fifteenth defendants either:

    (a) procured or induced; and/or

    (b) were party to a concerted design that resulted in:

    the actions of the second defendant described to in paragraphs 1 to 44 and 62 to 64 above.

67. The first and third to fifteenth defendants are therefore joint tortfeasors with the second defendant.

The plaintiffs claim:

(A) A permanent injunction preventing the defendants from procuring or inducing any party, or being party to a concerted design, to use in the course of trade signs identical with any of the Registered Trade Marks in relation to services in respect of which each trade mark is respectively registered.

(B) Delivery up or destruction of all goods in the possession of the defendants or their agents bearing signs identical with any of the Registered Trade Mark.

(C) Damages or, at the plaintiffs' option, an account of profits.

(D) Additional damages reflecting the flagrancy of the infringing conduct.

(E) Interest in accordance with s 12 of the Interest on Money Claims Act 2016.

(F) Costs.

SEVENTH CAUSE OF ACTION: Conspiracy by unlawful means

68. The plaintiffs repeat paragraphs 1 to 44.

69. The defendants' combined and agreed that at least one of them would use copyright infringement, infringement of registered trade marks, or conduct likely to mislead or deceive in trade, to cause damage to the plaintiffs.

70. At least one of the defendants engaged in copyright infringement, infringement of registered trade marks, or conduct likely to mislead or deceive in trade.

71. The defendants intended to damage the plaintiffs.

72. The plaintiffs have suffered damage from the unlawful conduct of the defendants.

The plaintiffs claim:

(A) A permanent injunction preventing the defendants from combining and agreeing to use unlawful means to cause damage to the plaintiffs.

(B) Damages or, at the plaintiffs' option, an account of profits.

(C) Interest in accordance with s 12 of the Interest on Money Claims Act 2016.

(D) Costs.

This document is filed by Paul Douglas Mitchell Johns solicitor for the plaintiff, of the firm AJ Park. The address for service of the plaintiff is Level 14, Aon Centre, 29 Customs Street West, Auckland 1010.

Documents for service on the filing party may be left at that address for service or may be--

(a) posted to the solicitor at PO Box 565, Auckland 1140; or

(b) left for the solicitor at a document exchange for direction to DX No. CX 10039, Auckland; or

(c) Emailed to the solicitor at paul.johns@ajpark.com.